

Libby Community Advisory Group

Meeting Summary December 13, 2001

Introductions

Gerald Mueller and members of the Libby Community Advisory Group (CAG) introduced themselves. A list of the members and guests in attendance is attached below as Appendix 1.

Agenda

Mr. Mueller reviewed an agenda for this meeting including the following topics:

- Future Meeting Schedule
- EPA Report
- ATSDR Report
- Lincoln County Report
- Funding for Health Care
- Public Comment

Future Meeting Schedule

The CAG reaffirmed its schedule of meeting twice per month on the second and fourth Thursday evenings, so that the next meeting would be on Thursday, January 10, 2002.

EPA Report

Wendy Thomi reported on the following topics on behalf of EPA.

Cleanups

Cleanup activity is in the process of shutting down for the winter. Cleanup of four residences has been completed. Nine additional residences with outside contamination have been identified. Cleanup will not occur at these residences until next year, so the contaminated areas have been isolated either by fencing or covering with a barrier. Sampling at the Community Health Center also identified tremolite asbestos, and limited cleanup including replacing carpets has occurred.

Phase II Residential Sampling

The draft risk memo documenting the findings of Phase II of the residential sampling is being prepared and should be available next week at the EPA Information Center.

Remedial Project Manager

Should Libby be added to the Superfund National Priority List (NPL), Jim Christiansen will be the Remedial Project Manager and will work with Paul Peronard on the cleanups.

Audience Member Question - Does Mr. Christiansen's designation mean that Mr. Peronard will not be coming back to Libby?

Answer - No. Paul will continue to work in Libby on emergency cleanup actions.

Health Emergency Declaration

Paul Peronard is drafting an action memo recommending declaration of a health emergency in Libby for the purpose of authorizing the removal of vermiculite insulation from Libby homes and businesses.

CAG Member Question - Who would pay the insulation removal costs?

Answer - EPA.

CAG Member Question - Would the removal costs be recoverable from W.R. Grace?

Answer - I'm not sure.

CAG Member Question - If EPA seeks cost recovery from W.R. Grace, would W.R. Grace in turn seek recovery from homeowners?

Answer - W.R. Grace can answer this question.

Audience Member Comment - A W.R. Grace official has told me that the Company will not publicly state that it won't seek recovery, but the chance that it will actually do so is zero.

CAG Member Question - EPA has previously stated that it will not bill home and business owners for cleanup costs. Could you write a letter to the editor of our local newspapers to this effect?

Answer - Yes.

Audience Member Comment -On his radio show, Duane Williams has repeatedly said that people in Libby will have to pay for the cleanups.

Audience Question - Has ARCO sued homeowners for cost recovery regarding the Clark Fork River and Butte and Anaconda Superfund sites?

Answer - According to the summary of the November 15, 2001 CAG meeting, the Superfund site representatives stated that ARCO has not sued any homeowners. It has sued other mining companies in the title chain of the mining properties. It has also threatened to sue Montana Power Company, the owner of Milltown Dam, but has not done so.

Jack W. McGraw Letter to Governor Martz

On December 6, 2001, Acting EPA Regional Administrator, Jack McGraw, wrote to Governor Martz asking for her support in proposing adding Libby to the NPL. Governor Martz has 30 days to respond to this letter. A scanned copy of Mr. McGraw's letter is attached below as Appendix 2.

Theater Company

EPA has been contacted by a representative of the North Central Washington Playback Company, and theater group that works with communities facing crises. If there is interest in this theater group coming to Libby, please contact EPA.

CAG Member Question - Any news about sampling on BN properties?

Answer - Sampling has occurred at the rails next to the export plant. Vermiculite was found, but the extent of contamination is not yet known.

CAG Member Question -Workers at Millwork West have been wearing personal air sampling monitors. Are results available from this sampling?

Answer - I will check with Paul Peronard, and ask him to call you about this.

ATSDR Report

Dan Strausbaugh reported on behalf of ATSDR on the following topics:

Second Round of Medical Screening

ATSDR is on track with mailing out screening results. The last batch of 400 + will be mailed to

doctors next week. The completed data base for the second round of screening will be transferred to ATSDR from its contractor by late next March so that all of the screening data can be analyzed and reported.

CT Study

The results of the CT study will be mailed to study participants by the end of January.

CAG Member Question - Will the CT scans taken before the study be used in the study?

Answer - Yes, CT's taken previously were included in the study, but only for those who were invited to participate.

CAG Member Question - Do you have any raw results from the study?

Answer - Yes. Of the 330 study participants, some 128 received urgent referral notices. The notices mean that the scans identified abnormalities somewhere in the body, for which the participants were referred to their personal physician for diagnosis and treatment. The abnormalities were not necessarily all related to asbestos disease.

Unresolved Health Concerns

Dr. Spence, the state's chief medical officer, will be meeting next month with the CAG. It is important for the CAG and the Libby community to identify unresolved health concerns and pass them along to Dr. Spence. The state and federal governments will be coordinating their response to these needs.

CAG Member Question - Who will make the decision about the emergency health ruling, and who makes it?

Answer - The EPA Administrator makes the decision after consultation with ATSDR.

CAG Member Question - What happens if EPA and ATSDR disagree about the designation?

Answer - I believe that the EPA Administrator has the authority to declare the public health emergency. EPA and ATSDR will report back to the CAG at your next meeting with clarification about the authority and process for the declaration.

CAG Member Question - What are the implications of a declaration?

Answer - Congress has authorized the public health agencies to act to eliminate the public health emergency; however, the agencies are supposed to act through public health hospitals, all of which have been closed. Again, I will look into this question and report back at a future meeting.

Audience Member Comment and Question - I'm not sure if a medical health emergency declaration is needed. Are we talking about a health threat that existed in the past or a threat that continues to exist now?

Answer - The threat under consideration is the continuing threat to the public health of exposure to asbestos-contaminated vermiculite insulation in Libby homes and businesses.

Audience Member and Question - Is it practical to get rid of the vermiculite insulation?

Answer by Wendy Thomi - Based on the phase II residential sampling, both Paul Peronard and Chris Weiss think that removal is practical.

Audience Member Question - Hasn't EPA told us that if the insulation is not disturbed, that it does not present a health risk?

Answer by Wendy Thomi - Yes, EPA has said this publicly, in addition to recommending that the insulation not be disturbed. However, sometimes disturbances will occur because of earth quakes, fires, renovations, or settling of older houses. The risk of exposure is being weighed in considering the public health declaration.

Audience Member Question - Much of the insulation is "popped" vermiculite. In the popped form, doesn't the vermiculite contain fewer asbestos fibers?

Answer by Wendy Thomi - Yes. The popped form contains fewer fibers.

CAG Member Question - If the popped form contains fewer fibers, where did the missing fibers go?

Answer by Wendy Thomi - They may have gone into the air or ground. You should ask this question of Paul Peronard or Chris Weis.

Audience Member Comment - I am not convinced that vermiculite needs to be removed from homes.

CAG Member Comment - We have a special circumstance in Libby that argues in favor of the emergency health declaration. Because of the historical exposure, we carry asbestos fibers in our bodies. We do not know the effect of additional exposure, but we know it would not be beneficial.

Comment by Wendy Thomi -It is important for us to hear that not every one is convinced about the emergency health declaration. While common sense says that people previously exposed will be better off not breathing additional fibers, we cannot now prove that simply living in a home with vermiculite insulation necessarily causes harm.

Audience Member Comment - Some business people are afraid to participate in the CAG. They are afraid that if they voice concerns or contrary views that there will be a backlash to their business. As business people, we care about both the health of our families and of our economy.

Response - Property values and the community economy are important to CAG members too. Sometimes we can agree to disagree. We need everyone to come together to find a solution which guarantees the health of future generations. W.R. Grace won't help this community any more. We need the entire community to work to solve our problems. We need closure, but we won't have it until the asbestos contamination is cleaned up.

CAG Action - The CAG delegated to a subcommittee of Gayla Benefield, Eileen Carney, and Don Wilkins to work with Gary Spencer to contact business and other community members to obtain input and participate in the CAG as it attempts to pursue its goals for responding to the asbestos cleanup.

Lincoln County Report

Ron Anderson reported on the County's project to assist with grant writing for the purpose of developing current and future financial resources to aid Lincoln County residents whose health has been injured through exposure to asbestos and to promote the health of the community. Specifically, the grant writers are to pursue funding for support of:

- Community Primary Health Care Center operations in Libby, Troy, and Eureka (physical plant, staffing, outreach, etc.);
- County Health nursing, home visits to the elderly and/or handicapped, and community based assistance designed to enable later stage asbestos-related disease victims to remain independent in their homes for the longest possible time;
- Pulmonary care center and on_going asbestos exposure screening process including provisions for those requiring CT scans and the more extensive pulmonary function testing; and
- On_going mental health services particularly in the area of support groups for high school and substance abuse victims and their families, as well as those persons affected by asbestos related disease.

This project was funded through an \$18,500 annual two year appropriation from the Montana legislature. The County used a request for proposal process to select two grant writers, the husband and wife team of Dennis C. Alexander and Tracy Velazquez. Mr. Anderson introduced Mr. Anderson and Ms. Velazquez to the CAG.

Mr. Alexander stated that his and Ms. Velazquez' goal is to raise money for ongoing medical care for people of Lincoln County with asbestos-related disease. They intend to seek funding from private foundations and the Congress. To be successful, they will need to demonstrate support from the Libby community. Last month Mr. Alexander and Ms. Velazquez met with Montana's Congressional delegation. During the duration of their contract, they intend to come to Libby once every four to six weeks.

CAG Member Question - Who will have the bucket in which to put money secured through this project?

Answer - Since this is a County project, probable any funding would be administered by the County.

CAG Member Comment - In a perfect world, one would go directly to the federal government for funding Libby's asbestos-related health concerns because it failed to protect us. However, no federal program exists that could provide this funding. We need a medical card from the federal government that would pay for our present and future medical needs as well as those suffering from the adverse effects of other vermiculite exfoliation plants across America.

Response - We will have to be creative because there isn't one program we can approach. There is no magic bullet to provide all of Libby's needs. We view our challenge as a puzzle. Our job is see how we can assemble and make a number of smaller puzzle pieces fit together. The Community Health Center is an important door opener.

CAG Member Comment - My conversations with the representatives of the other Superfund communities in Montana who appeared at the November CAG meeting convinced me that there are people such as Ted Turner who might participate in funding good causes such as funding long-term medical care for people in Libby with asbestos disease. The CAG could form a sub-group to develop a list of prospective donors that could be given to Mr. Alexander and Ms. Velazquez.

Public Comment

Audience Member Comment - On November 22, the Spokesman Review ran a story that gave a

negative picture of Libby that would drive people away who might consider coming to our community. The story was filled with factual errors. We need to prevent future similar stories that are focused on the past and don't give an accurate picture of where we are today.

CAG Member Comment - If we haven't had such exposure in the past, we wouldn't be here today and the cleanup would not be happening.

CAG Member Comment - We need to be together as a community so that we can show we are moving forward.

CAG Member Comment - On way we might prevent stories similar to the Spokesman Review is to tell any member of the press who contacts us that the negative story has already been told and we need to focus on how Libby is moving forward.

CAG Member Comment - The City Council will meet on Monday, January 7, 2002 and will consider recommending to Governor Martz that she use her "silver bullet" option to add Libby to the Superfund NPL. The Council could benefit your attendance and participation.

Next Meeting

The next meeting is scheduled for Thursday, January 10, 2001 from 7:00 to 9:00 p.m. in the Ponderosa Room of Libby City Hall.

Appendix 1 CAG Member & Guest Attendance List December 13, 2001

Members	Group/Organization Represented
Don Wilkins	Lumber & Sawmill Workers
Mike Noble	Local Businessman & Alternate for Leroy Thom
Clinton Maynard	Area Asbestos Research Group
Bob Dedrick	Asbestos Victim
George Bauer	City of Libby
Ron Anderson	Lincoln County
Wendy Thomi	EPA Community Involvement
David Latham	<i>The Montanian Newspaper</i>
Dan Strausbaugh	ATSDR
Gayla Benefield	LCAVRO
Dr. Brad Black	Lincoln County Health Officer/CARD
Robert H. Foote	Libby Ministerial Association
Rep. Eileen Carney	State Representative

Appendix 2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET _ SUITE 500
DENVER, COLORADO 80202_2466

Ref: 8EPR_SA

DEC 6 2001

The Honorable Judy Martz
Governor, State of Montana
Capitol Station
Helena, MT 59620_0801

Dear Governor Martz:

I am writing to ask for your support in proposing a Montana site to the Superfund National Priorities List (NPL): the Libby Asbestos Site. The NPL is a list of the nation's highest priority hazardous waste sites established under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as "Superfund". It is EPA policy to request the concurrence of the Governor of a state prior to Submitting a site listing package to EPA Headquarters and try to reach an agreement between EPA and Montana on an NPL listing decision. A decision on whether to propose the site will then be made with a clear understanding of your position. Final listing of the site will make it eligible for the Superfund Trust Fund to pay for clean_up in a timely and efficient manner.

The Libby Asbestos Site has its origins with the discovery of vermiculite outside of Libby, Montana in 1881 by gold miners. In 1919 Edward Alley discovered the unique properties of vermiculite and in the 1920s the Zonolite Company formed and began mining vermiculite. In 1963, W.R.. Grace bought the Zonolite mine and operated the mine until it closed in 1990. While in operation the Zonolite mine in Libby may have, produced 80% of the world's supply of vermiculite. Vermiculite has been used in building insulation and as a soil conditioner. Unfortunately, the vermiculite from the Libby mine is contaminated with a toxic form of asbestos called amphibole asbestiform mineral fibers, which if inhaled can lead to asbestosis and or lung cancer.

Asbestosis is a restrictive lung disease which can be fatal. In addition, exposure to asbestos can cause lung cancer and a cancer of the lung lining called mesothelioma. While lung cancer has a number of associated causes, asbestosis and mesothelioma are uniquely associated with exposure to asbestos. The EPA is most concerned about people being, exposed to airborne asbestos and breathing in the microscopic fibers. EPA is also concerned about the possible community exposures and health effects seen in people with little or no association with the vermiculite mine in Libby.

In response to local concern and news articles about asbestos-contaminated vermiculite,

the, EPA, sent Region 8 Emergency Response (ER) to Libby, Montana in November 1999. Emergency Response immediately began assessing the situation and collecting information. EPA's first priority was to determine if there was a current risk to public health from asbestos contaminated vermiculite in Libby and to take the necessary actions to reduce or eliminate these risks. Currently, ER has overseen the removal of asbestos contaminated vermiculite from the Export Plant and conducted removals at the Screening Plant, Plummer Elementary School, Libby School, Libby Middle School and several residential properties.

In order to address long term remedial action at this site, appropriate funding mechanisms must be explored. If financially viable and cooperative Potentially Responsible Parties (PRPs) are found, EPA typically works with those parties to plan carry out or fund the investigations and cleanups. In instances where no viable PRP can be identified that has sufficient resources to provide a substantial contribution to the response effort, the Superfund Trust Fund may be used to ensure that cleanup proceeds quickly and that any costs could be funded. In accordance with the provisions of CERCLA and implementing regulation; which established the Trust Fund, the State of Montana will have to agree to a cost share of 10% of the fund lead remedial action costs either directly, through in-kind services or other arrangements in order for the Superfund Trust Fund to be used. Also, any long term operations and maintenance activities associated with fund lead remedial actions will become the responsibility of the State of Montana.

According to the implementing regulations of CERCLA, access to the Trust Fund for long term remedial actions require that a site is placed on the NPL. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP), the Federal regulation by which CERCLA is implemented, provides three mechanisms for placing sites on the NPL. The primary mechanism is EPA's Hazard Ranking System (HRS). The second mechanism for placing sites on the NPL allows States to designate one top priority site regardless of HRS score. By CERCLA statute, this State designated site is, to the extent practicable, included among the one hundred highest priority facilities in the country. The third mechanism allows a site to be listed on the NPL if the Agency for Toxic Substances and Disease Registry (ATSDR) issues a health advisory and EPA determines the site poses a significant threat to public health.

Once the site is proposed for listings EPA will commence a remedial investigation. This investigation will define the extent of contamination and the area in which cleanup may ultimately be needed. Next, EPA will conduct a feasibility study, which will evaluate cleanup alternatives. The public will then be asked to comment on a proposed plan, which describes EPA's preferred alternative for addressing the contamination. Finally, after reviewing the comments, EPA will issue a Record of Decision, describing the selected remedies.

EPA is working closely with local, state and other federal agencies, including the City of Libby, Lincoln County Commissioners and the Department of Environmental Health; the Montana Department of Environmental Quality (DEQ); the Montana Department of Public Health and Human Services (DPHHS); and ATSDR. Listing on the NPL will allow the agencies

to establish a definitive time frame for cleanup, establish priority for access to the Superfund Trust Fund. The proposal for listing on the NPL will also qualify the community for Technical Assistance Grants. These grants provide funds for local community groups to hire technical specialists who assist in reviewing and interpreting technical documents, which helps facilitate communication between the community and the regulatory agencies.

I would appreciate your support regarding this proposed listing. We believe that placing the Libby Asbestos Site on the National Priorities List will help implement long term remedial actions that minimize releases of asbestos and reduce the asbestos exposure of the people of Libby. I respectfully request your written response regarding the proposed listing of this site as soon as possible but no later than 30 days from receipt of this letter. If you have any questions, or would like to meet to discuss this matter, please contact me at 303_312_6308 or Max Dodson at 303_312_6598. Thank you for consideration of this matter.

Sincerely,

Jack W. McGraw
Acting Regional Administrator